

REMARKS

At the time of the Office Action dated May 13, 2003, claims 1-12 were pending in this application. Of those claims, claims 1 and 2 have been rejected and claims 3-5 and 9-12 have been withdrawn from consideration pursuant to the provisions of 37 C.F.R. § 1.142(b).

Applicant acknowledges, with appreciation, the Examiner's allowance of claims 6-8. Applicant also acknowledges, with appreciation, the Examiner's indication that claim 2 contains allowable subject matter. Claim 1 has been amended, and Applicant submits that the present Amendment does not generate any new matter issue.

In the second enumerated paragraph of the Office Action, the Examiner requested clarification as to whether the recitation of "Figs. 6 and 7" in lines 27 and 29 of page eight of the specification was intended to be directed to Figs. 8 and 9. In response, Applicant has amended the specification to replace the term "Figs. 6 and 7" with "Figs. 8 and 9" in the locations identified by the Examiner.

APPLICANT REQUESTS ACKNOWLEDGEMENT OF INFORMATION DISCLOSURE

STATEMENT

The Information Disclosure Statement and cited art filed March 30, 2001, has not been acknowledged. Enclosed herewith are copies of the Information Disclosure Statement, PTO-1449 Form and stamped return postcard acknowledgement. Applicant respectfully requests the Examiner to clarify the record by acknowledging receipt of the Information Disclosure Statement filed March 30, 2001, and provide an appropriately initialed copy of the PTO-1449 form indicating consideration of the cited prior art.

CLAIMS 1 AND 2 ARE REJECTED UNDER THE SECOND PARAGRAPH OF 35 U.S.C. § 112

In the third enumerated paragraph of the Office Action, the Examiner asserted that term found in claim 1, line 4 of "single said optical system" is vague. This rejection is respectfully traversed.

Applicant notes that claim 1 has been amended to replace the term "single said optical system" with the term "said optical system." As the Examiner particularly noted that the term "single" was not clear, Applicant submits that by removing this term, Applicant has addressed the Examiner's concerns. Applicant, therefore respectfully solicits withdrawal of the imposed rejection of claims 1 and 2 under the second paragraph of 35 U.S.C. § 112.

CLAIM 1 IS REJECTED UNDER 35 U.S.C. § 102 AS BEING ANTICIPATED BY SAKAI ET AL., U.S. PATENT NO. 5,925,887 (HEREINAFTER SAKAI)

In the fifth enumerated paragraph of the Office Action, the Examiner referred particularly to Fig. 1 and to column 4, lines 27-32, asserting that the disclosure in Sakai of an array of photoelectric converting elements corresponds to the claimed at least two illuminance meters. This rejection is respectfully traversed.

Applicant notes that claim 1 has been amended to recite that the at least two illuminance meters are spaced apart. This feature is shown, for example, in Fig. 1 of Applicant's disclosure, which illustrates illuminance meters (130A, 130B, 130C, 130D) that are separated from one another. In contrast, one having ordinary skill in the art would not consider that the photoelectric converting elements disclosed by Sakai are separate. Instead, one having ordinary skill in the art would view the photoelectric converting elements, such as those found in a CCD, as being

grouped together. Therefore, Sakai fails to identically disclose the claimed invention, as recited in amended claim 1, within the meaning of 35 U.S.C. § 102.

CLAIM 1 IS REJECTED UNDER 35 U.S.C. § 102 AS BEING ANTICIPATED BY NISHI, U.S.

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In the sixth enumerated paragraph of the Office Action, the Examiner referred particularly to Figs. 1 and 4, asserting that the disclosure in Nishi of meters 7 and 18 corresponds to the claimed at least two illuminance meters. This rejection is respectfully traversed.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure of each element of a claimed invention in a single reference. As part of this analysis, the Examiner must (a) identify the elements of the claims, (b) determine the meaning of the elements in light of the specification and prosecution history, and (c) identify corresponding elements disclosed in the allegedly anticipating reference. That burden has not been discharged.

Claim 1 recites that the at least two illuminance meters are provided on an emission side of the optical system. Claim 1 also recites that average illuminance operation means and light exposure control means uses average illuminance from the at least two illuminance meters. These features, however, are neither taught nor suggested by Nishi. With regard to the first feature, the Examiner referred to features 7 and 18 as corresponding to the claimed at least two illuminance meters and the Examiner referred to features 10, 17 as part of the optical system. Thus, to meet the claimed limitation of at least two illuminance meters provided on an emission side of the optical system, the two meters 7 and 18 of Nishi would have to be on a single side of the optical system 10, 17. However, as shown in Fig. 1 of Nishi, feature 7 and 18 are

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respectively on opposite sides of the optical system 10, 17. Thus, no matter which side of the optical system is determined to be the "emission side," Nishi cannot teach or suggest providing at least two illuminance meters on an emission side of the optical system, as recited in claim 1.

Applicant, therefore, respectfully solicits withdrawal of the imposed rejection of claim 1 under 35 U.S.C. § 102 based upon Nishi.

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicant hereby respectfully requests reconsideration and prompt allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417, and please credit any excess fees to such deposit account.

Respectfully submitted,

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